
GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT DEPARTEMENT VAN VERVOER

No. R. 532

30 July 2013

CIVIL AVIATION ACT, 2009 (ACT NO. 13 OF 2009) FIRST AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 2011

The Minister of Transport has under section 155(1) of the Civil Aviation Act, 2009, (Act No. 13 of 2009) amended the Civil Aviation Regulations, 2011 as contained in the Schedule hereunder.

SCHEDULE

Amendment of Part 1 of the Civil Aviation Regulations, 2011 (hereinafter referred to as “the Regulations”) published by Government Notice No. R. 425 of 1 June 2012 and Government Notice No.R.781 dated 28 September 2012

1. Part 1 of the Regulations is hereby amended in regulation 1.01.1 by –

(a) the substitution for the definition of “cargo” of the following definition:

“‘**cargo**’ means any property carried on an aircraft other than mail, stores, accompanied or mishandled baggage;”;

(b) the insertion of the following definition after the definition of “sole means navigation system”:

“‘**solo flight**’ means ‘flight time during which the student pilot is the sole occupant of the aircraft and in which there is no other person present in the aircraft, be it an instructor, a safety pilot, another student pilot or any other passenger;”;

(c) the insertion of the following definition after the definition of “student-pilot-in-command”:

“‘**student pilot licence integrated course**’ means an approved integrated pilot training course provided for by Part 61;” and

Amendment of regulation 1.00.1 of the Regulations

2. Part 1 of the Regulations is hereby amended in regulation 1.02.1 by the insertion of the following abbreviation after the abbreviation of "SPL":

“**SPLIC**” means ‘Student Pilot Licence Integrated Course’.

Amendment of Part 21 of the Regulations

3. Part 21 of the Regulations is herewith amended by the insertion of the following Subpart after Subpart 12

“SUBPART 13: IDENTIFICATION OF PRODUCTS, PARTS AND APPLIANCES**Applicability**

21.13.1 (1) This Subpart shall apply to manufacturing organisations located in the Republic and it prescribes the requirements for –

- (a) identification of aircraft, and aircraft engines and propellers.
- (b) identification of critical parts; and
- (c) identification of certain replacement and modification parts produced for installation on the type certificated products.

Identification of aircraft, aircraft engine and propellers

21.13.2 (1) Any organisation which manufactures an aircraft or aircraft engine under a type or production certificate shall identify the aircraft or aircraft engine by means of a fireproof data plate that is –

- (a) marked with the identification information prescribed in regulation 21.13.3 by etching, engraving or other approved method of fireproof marking.
- (2) The fireproof data plate must be secured in such a manner that it is not likely to be –
- (a) defaced or removed during normal service; or
 - (b) lost or destroyed in an accident.
- (3) For an aircraft other than a manned free balloon, fireproof data plate must be secured to the fuselage –
- (a) at an accessible location near an entrance; or
 - (b) externally on another part of the fuselage.

- (4) For an aircraft engine, the fireproof data plate must be affixed to the engine at a location which is likely to be accessible during minor maintenance.
- (5) For manned free balloons, the fireproof data plate must be secured to the balloon envelope and located where it is visible to the operator when the balloon is inflated.
- (6) Any organisation which manufactures a manned free balloon shall, in addition to sub-regulation (5) permanently and legibly mark the basket and any heater assembly with –
- (a) the manufacturer's name;
 - (b) a part number or an equivalent; and
 - (c) a serial number or an equivalent.
- (7) Any organisation which manufactures a propeller blade or propeller hub under a Type or Production Certificate shall identify it by means of a fireproof data plate, or by etching, stamping, engraving, or other approved method of fireproof marking, that –
- (a) contains the identification information prescribed in regulation 21.13.3; and
 - (b) is placed or marked on a non-critical surface; and
 - (c) is not likely to be defaced or removed during normal services or lost or destroyed in an accident.

Identification Information

21.13.3 (1) The identification information that is required to be marked on the data plate and for identification of a propeller, propeller blade, or propeller hub under regulation 21.13.2 must include –

- (a) the manufacturer's name;
- (b) the model designation;
- (c) the manufacturer's serial number;
- (d) if applicable, the type certificate number;
- (e) any other information that the Director may require.

Removal, alteration and replacement of identification information

21.13.4 (1) Except as provided in sub-regulation (2), no person may remove, alter, or replace any of the following without the approval of the Director –

- (a) the identification information that is required under regulation 21.13.3 to be marked on a data plate and for identification of a propeller, propeller blade, or propeller hub;
- (b) the part number and serial number that is required under regulation 21.13.6 for identification of critical parts.

(2) A person performing maintenance in accordance with Part 43 may remove, alter, or replace the identification information and the part and serial number referred to in sub-regulation(1) if the removal, alteration or replacement is carried out in accordance with a method, technique, or practice that is acceptable to the Director.

Removal and reinstallation of a data plate

21.13.5 (1) Except as provided by sub-regulation (2), no person may remove or reinstall the data plate containing the identification information prescribed in regulation 21.13.3 without the approval of the Director.

(2) A person performing maintenance in accordance with Part 43 may remove or reinstall the data plate containing the identification information in regulation 21.13.3 if –

- (a) the removal of the data plate is necessary during the maintenance; and
- (b) the data plate is removed and reinstalled in accordance with methods, techniques, and practices acceptable to the Director; and
- (c) the removed data plate is reinstalled on the product or part from which it was removed.

Identification of critical parts and life-limited parts

21.13.6 (1) Any organisation which manufactures a part of which a replacement time, inspection interval, or related procedure is specified in the airworthiness limitations section of a manufacturer's maintenance manual or instructions for continued airworthiness shall permanently and legibly mark the part with –

- (a) a part number or equivalent;
- (b) a unique serial number or an equivalent; and
- (c) all applicable requirements as stipulated in regulation 21.13.7.

Marking of critical parts and life-limited parts

21.13.7 (1) The holder of a design approval for critical parts and life-limited parts must provide marking instructions, or must state that the part cannot be marked without compromising its integrity.

(2) Compliance with this Regulation may be made by providing marking instructions in readily available documents, such as the maintenance manual or the instructions for continued airworthiness.

Identification of replacement and modification parts, appliances and critical parts

21.13.8 (1) Except as provided in sub-regulation (4), any organisation which manufactures a replacement or modification part or appliance under an authorisation required by subpart 9 and subpart 12 shall, in addition to the identification information prescribed in regulation 21.13.3, permanently and legibly mark the part or appliance with –

- (a) the letters “A-PMA” or “ZA-TSO” as appropriate;
- (d) the name, trademark, or symbol of the holder of the authorisation;
- (c) the part number; and
- (d) the name and the model designation of each product issued with a type certificate, on which the part is eligible for installation.

(2) The manufacturer of a TSO article must permanently and legibly mark each TSO article, unless otherwise specified in the applicable TSO, with –

- (a) the TSO number and letter of designation;
- (b) all markings specifically required by the TSO; and
- (c) the serial number or the date of manufacture of the article or both.

(3) Any organisation which manufactures a replacement or modification part or appliance under Subparts 9 and 12 shall permanently and legibly mark the part or appliance in such a manner as to ensure it can be –

- (a) identified separately to those otherwise acceptable materials, parts, and appliances; and
- (b) clearly related to its manufacturing data.

(4) If the part or appliance is too small or it is otherwise impractical to mark the part or appliance, with the information required by regulation 21.13.7(1) or 21.13.7(2), the information shall be recorded on a tag attached to the part or appliance or its container.

(5) If the markings required by the regulation 21.13.7(1) (d) is so extensive that to mark it on a tag is impractical, the tag attached to the part or appliance or container may refer to a specific readily available manual/catalogue for part or appliance eligibility information.

Marking of export aircraft

21.13.9 (1) Any organisation which manufactures an aircraft in the Republic for export thereof may display on that aircraft any registration marks required by the state of registry of the aircraft.

(2) However no person may operate an aircraft so marked within the Republic except for the test and demonstration flights for a limited period of time, or while in necessary transit to the purchaser.”.

Amendment of Part 34 of the Regulations

29. Part 34 is herewith amended by the substitution for Part 34 of the Regulations of the following Part:

PART 34: ENGINE EMISSION CERTIFICATION**List of regulations**

34.00.1	Applicability
34.00.2	Fuel venting standards
34.00.3	Aircraft engine emission standards
34.00.4	Aircraft engine emission evaluation methods

Applicability

34.00.1 This part applies –

- (a) in respect of fuel venting, to turbine engine powered aircraft manufactured after 18 February 1982; and
- (b) in respect of engine emissions, to aircraft with –
 - (i) turbo-jet and turbofan engines intended for propulsion only at subsonic speeds; and
 - (ii) turbo-jet and turbofan engines intended for propulsion at supersonic speeds, of which the date of manufacture is on or after 18 February 1982.

Fuel venting standards

34.00.2 Subject to the provisions of regulation 34.01.1 34.00.1, any person who applies in terms of Part 21 for –

- (a) the issuing of a type certificate;
- (b) the issuing of a type acceptance certificate;
- (c) any change to a type certificate;
- (d) any change to a type acceptance certificate; or
- (e) a standard category certificate of airworthiness,

shall comply with fuel venting standards as prescribed in Document SA-CATS 34.

Aircraft engine emission standards

34.00.3 Subject to the provisions of regulation 34.00.1, any person who applies in terms of Part 21 for –

- (a) the issuing of a type certificate;
- (b) the issuing of a type acceptance certificate;
- (c) any change to a type certificate;
- (d) any change to a type acceptance certificate; or
- (e) a standard category certificate of airworthiness,

shall comply with the appropriate engine emission standards as prescribed in Document SA-CATS 34.

Aircraft engine emission evaluation methods

The methods for the evaluation of aircraft engine emissions are prescribed in Document SA-CATS 34.

Amendment of Part 36 of the Regulations

30. Part 36 is herewith amended by the substitution for Part 36 of the Regulations of the following Part:

PART 36: NOISE CERTIFICATION

List of regulations:

36.00.1	Applicability
36.00.2	Eligibility
36.00.3	Noise standards
36.00.4	Noise evaluation methods
36.00.5	Inspections
36.00.6	Application for noise certificate

36.00.7	Issue of noise certificate
36.00.8	Duration and continued validity
36.00.9	Transferability

Applicability

36.00.1 This part applies to –

- (a) subsonic jet aeroplanes;
- (b) supersonic aeroplanes;
- (a) propeller driven aeroplanes with a maximum certificated mass exceeding 5 700 kilograms;
- (b) propeller driven aeroplanes with a maximum certificated mass of 5 700 kilograms or less;
- (c) propeller-driven STOL aeroplanes; and
- (d) helicopters.

Eligibility

36.00.2 Any person under whose name an aircraft is registered or will be registered under Part 47, may apply for a noise certificate for that aircraft under this Part.

Noise standards

36.00.3 Subject to the provisions of regulation 36.00.1, any persons who applies in terms of Part 21 for –

- (a) the issuing of a type certificate;
- (b) the issuing of a type acceptance certificate;
- (c) any change to a type certificate;
- (d) any change to a type acceptance certificate; or
- (e) a standard category certificate of airworthiness,

shall comply with the appropriate noise standards as prescribed in Document SA-CATS 36.

Noise evaluation methods

36.00.4. The methods for the evaluation of aircraft noise emissions are prescribed in Document SA-CATS 36.

Inspections

36.00.5 The holder of a noise certificate shall provide access to the aircraft for which that noise certificate has been issued upon request by an authorised officer, inspector or authorised person for inspection.

Application for noise certificate

36.00.6 (1) An application for a noise certificate, or amendment thereof, shall be –

(a) made in the prescribed form and manner; and

accompanied by –

the appropriate fee as prescribed in Part 187. ;

(2) An application in terms of sub-regulation (1) shall include, –

(a) with regard to new aircraft, –

(i) a statement of conformity issued in terms of regulation 21.06.6, or regulation 148.02.12 and validated by the Director; or

(ii) for an imported aircraft, a statement, signed by the exporting authority that the aircraft conforms to a design approved by the Director; and

(i) the noise information determined in accordance with the applicable noise requirements;

(b) with regard to used aircraft, –

(i) the noise information determined in accordance with the applicable noise requirements; and

(ii) historical records to establish the production, modification, and maintenance standard of the aircraft.

(3) Unless otherwise agreed, the statements referred to in sub-regulation (2) (a) shall be issued not more than 60 days before presentation of the aircraft to the Director.

Issue

36.00.7 An applicant shall be entitled to have a noise certificate of an aircraft issued by the Director on the appropriate form if –

- (iii) he or she complies with regulation 36.00.6;
- (iv) the aircraft has been registered in terms of Part 47 and the certificate of registration has been issued by the Director;
- (v) the Director has determined that the noise information presented in terms of regulation 36.00.6(2)(a)(ii) or regulation 36.00.6(2)(b)(i), as the case may be, complies with the noise standards referred to in regulation 36.00.3.

Duration and continued validity

36.00.8 (1) Subject to subsection (2), a noise certificate shall be issued for an unlimited duration.

(2) A noise certification shall remain valid on condition that –

- (a) the holder thereof complies with the applicable type-design, environmental protection and continuing airworthiness requirements;
- (b) the aircraft for which the certificate is issued retains the same registration marks;
- (c) the type-certificate or restricted type-certificate under which it is issued has not been previously invalidated under regulation 21.02.11; and
- (d) the certificate has not been suspended, or cancelled in terms of Part 185 or surrendered.

(2) Upon suspension or cancellation, of a noise certificate, the holder thereof shall immediately return the certificate to the Director.

Transferability

36.00.9. In the event of a change in the ownership of the aircraft, –

- (a) if the aircraft retains the same registration marks , the noise certificate issued shall be transferred together with the aircraft; or
- (b) if the aircraft remains on the SACAR but changes registration marks, the amended noise certificate shall be issued upon presentation of the former noise certificate in terms of regulation 36.00.6.

Amendment of regulation 61.01.9 of the Regulations

6. Regulation 61.01.9 is herewith amended by the substitution for sub-regulation (9) of the following sub-regulation:

“(9) (a) The holder of a national pilot licence or PPL in another category who wishes to obtain a PPL must comply with the requirements as stipulated in regulations 61.03.1(1) to (3) and technical standard 61.02.5 of Document SA-CATS 61.

(b) The holder of an aeroplane or a helicopter pilot licence, or an equivalent pilot licence in the weight-shift controlled microlight aeroplane, gyroplane or glider category who wishes to obtain a PPL (Aeroplane) or PPL (Helicopter) may be credited with up to a maximum of 10 hours. The additional 35 hours required must be addressed in a PPL training course which includes –

- (i) a minimum of 20 hours dual instruction in the aircraft category for which the licence is sought; and
- (ii) a minimum of 15 hours solo flying time, which must include 5 hours cross country flying time and one triangular cross-country flight of at least 150 NM, on which at least one point must not be less than 50 NM from base, including full-stop landings at two different aerodromes away from base: Provided that at least one of the aerodromes from which the aircraft takes off for this flight shall be an aerodrome at which an air traffic services unit is in operation and for which a flight plan shall have been submitted.

(c) The holder of a national pilot licence endorsed with the conventionally controlled microlight aeroplane category who wishes to obtain a PPL (Aeroplane) may be credited with up to a maximum of 25 hours. The additional 20 hours required must be addressed in a PPL training course which includes –

- (i) a minimum of 10 hours dual instruction in an aeroplane; and
- (ii) a minimum of 10 hours solo flying time, which must include 5 hours cross country flying time and one triangular cross-country flight of at least 150 NM, on which at least one point must be not less than 50 NM from base, including full-stop landings at two different aerodromes away from base: Provided that at least one of the aerodromes from which the aircraft takes off for this flight shall

be an aerodrome at which an air traffic services unit is in operation and for which a flight plan shall have been submitted.

(d) The holder of a national pilot licence endorsed with the light sport aeroplane category who wishes to obtain a PPL (Aeroplane) may be credited with a maximum of 30 hours. The additional 15 hours required must be addressed in a PPL training course which includes –

- (i) a minimum of 10 hours dual instruction in an aeroplane; and
- (ii) a minimum of 5 hours solo flying time, which must include one triangular cross-country flight of at least 150 NM, on which at least one point must be not less than 50 NM from base, including full-stop landings at two different aerodromes away from base: Provided that, at least one of the aerodromes from which the aircraft takes off for this flight shall be an aerodrome at which an air traffic services unit is in operation and for which a flight plan shall have been submitted.

Amendment of regulation 61.01.10 of the Regulations

7. Regulation 61.01.10 is herewith amended by the deletion of paragraph (b): of sub-regulation (2).

Amendment of Regulation 61.01.13 of the Regulations

8. Regulation 61.01.13 is herewith amended by-

(a) the substitution in sub-regulation (5) for paragraphs (c) and (d) of the following paragraphs:

“(c) in the case of validation for use as a commercial pilot under VFR conditions (CPL/VFR) or as an airline transport pilot (helicopter) without instrument rating, must have passed an examination in South African Air Law at CPL level at an approved Authority Examination Centre; or

(d) in the case of validation for use as a commercial pilot under IFR conditions (CPL/IFR) or as an airline transport pilot (aeroplane) or as an airline transport pilot (helicopter) with instrument rating, must have passed an examination in South African Air Law and Procedures at an approved Authority Examination Centre;”.

(a) the substitution in sub-regulation (27) for the words preceding paragraph (a) of the following words:

“(27) All new applicants for the conversion of a licence shall be required to pass the theoretical examination conducted by the Authority at the appropriate level as prescribed below –;” and

- (b) the addition in sub-regulation (27) after paragraph (e) of the following paragraph:

“(f) ATPL (H) (VFR) –

- (i) Air Law (H) (CPL)
- (ii) Meteorology (H)
- (iii) Flight Performance and Planning (H).”.

Amendment of Regulation 61.02.5 of the Regulations

9. Regulation 61.02.5 is herewith amended by the substitution in sub-regulation (1) for the words preceding paragraph (a) of the following words:

“(1) The holder of a valid SPL may only fly solo as prescribed in Document SA-CATS 61, at the age of 16 or more, for the purpose of training for the applicable pilot licence –;” .

Amendment of Regulation 61.03.1 of the Regulations

10. Regulation 61.03.1 of the Regulations is herewith amended by –

- (a) the substitution in sub-regulation (1) for paragraph (e) of the following paragraph:

“(e) have successfully completed the training as prescribed in Document SA-CATS 61 at an approved Part 141 ATO;”.

- (b) the addition in sub-regulation (1) after paragraph (f) of the following paragraph:

“(g) have passed the skills test referred to in regulation 61.03.4.”;

- (c) the renumbering of the existing sub-regulation (4) as sub-regulation (5); and

- (d) the addition of the following new sub-regulation (4):

“(4) A maximum of 5 hours dual instruction time may be accumulated in an aeroplane FSTD approved for the purpose by the Director.”.

Amendment of Regulation 61.03.7 of the Regulations

11. Regulation 61.03.7 is herewith amended by the deletion of sub-regulation (3) thereof.

Amendment of Regulation 61.04.1 of the Regulations

12. Regulation 61.04.1 is herewith amended by the substitution in sub-regulation (1) for sub-paragraph (ii) of paragraph (d) of the following sub-paragraph:

“(ii) a national pilot licence issued in terms of Part 62.”.

Amendment of Regulation 61.04.4 of the Regulations

13. Regulation 61.04.4 is herewith amended by the deletion of sub-regulation (3):

Amendment of Regulation 61.04.7 of the Regulations

14. Regulation 61.04.7 is herewith amended by the addition of the following sub-regulation after sub-regulation (2):

“(3) The holder of a PPL (Helicopter) who has not flown a minimum of 3 hours as PIC of helicopters in the six months preceding a revalidation check shall undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a PPL (Helicopter), and meet the recency requirements to act as PIC.”.

Amendment of Regulation 61.05.4 of the Regulations

15. Regulation 61.05.4 is herewith amended by the deletion of sub-regulation (3):

Amendment of Regulation 61.05.7 of the Regulations

16. Regulation 61.05.7 is herewith amended by –

- (a) the deletion of sub-regulation (4): and
- (b) the addition of the following sub-regulations after sub-regulation (3)::

“(4) The holder of a CPL (Aeroplane) who has not flown a minimum of 3 hours as either PIC or PICUS or 6 hours as co-pilot in the 6 months preceding a revalidation check, shall undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a CPL (Aeroplane), and meet the recency requirements to act as PIC.

- (5) The revalidation check must be undertaken in an aeroplane with a variable pitch propeller or turbojet engine.”.

Amendment of Regulation 61.06.1 of the Regulations

17. Regulation 61.06.1 is herewith amended by the addition in sub-regulation (1) of the following paragraph after paragraph (h):

“(g) have passed the skills test referred to in regulation 61.06.4.”.

Amendment of Regulation 61.06.4 of the Regulations

18. Regulation 61.06.4 is herewith amended by the deletion of sub-regulation (4):

Amendment of Regulation 61.06.6 of the Regulations

19. Regulation 61.06.4 is herewith amended by –

- (a) the renumbering thereof as regulation 61.01.7; and
- (b) the insertion of the following regulation as regulation 61.06.6 after regulation 61.06.5 :

“Period of validity of a CPL (Helicopter)

61.06.6 (1) A Commercial Pilot Licence (Helicopter) issued is valid for a period of 10 years provided that –

- (a) currency fees are paid in terms of regulation 61.06.17
- (b) Maintenance of competency in terms of regulation 61.06.7 is complied with;
- (c) annually, together with the fee referred to in paragraph (a),

the completed application form as prescribed in sub-regulation 61.06.2(2) is submitted including certified copies of the last 3 pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any endorsements entered into the logbook in the preceding 12 months.”.

Amendment of Regulation 61.06.7 of the Regulations

20. Regulation 61.06.7 (as renumbered) is herewith amended by the substitution for sub-regulation (3) of the following: sub-regulation:

“(3) The holder of a CPL (Helicopter) who has not flown a minimum of 3 hours as either PIC or (PICUS), or 6 hours as co-pilot in the 6 months preceding a revalidation check, shall undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a CPL (Helicopter), and meet the recency requirements to act as PIC.”.

Amendment of Regulation 61.07.3 of the Regulations

21. Regulation 61.07.3 is herewith amended by the deletion of sub-regulation (3) thereof:

Amendment of Regulation 61.07.4 of the Regulations

22. Regulation 61.07.4 is herewith amended by the deletion of sub-regulation (6):

Amendment of Regulation 61.07.7 of the Regulations

23. Regulation 61.07.7 is herewith amended by –

(a) the deletion of sub-regulation (3): and

(b) The addition of the following sub-regulation after sub-regulation (2):

“(3) The holder of an ATPL (Aeroplane) who has not flown a minimum of 3 hours as either PIC or PICUS, or 6 hours as co-pilot in the 6 months preceding a revalidation check, shall undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a ATPL (Aeroplane), and meet the recency requirements to act as PIC.”.

Amendment of Regulation 61.08.3 of the Regulations

24. Regulation 61.08.3 is herewith amended by the deletion of sub-regulation (3).

Amendment of Regulation 61.08.4 of the Regulations

25. Regulation 61.08.4 is herewith amended by the deletion of sub-regulation (4).

Amendment of Regulation 61.08.7 of the Regulations

26. Regulation 61.08.7 is herewith amended by the substitution for sub-regulation (3) of the following sub-regulation (3):

“(3) The holder of an ATPL (Helicopter) who has not flown a minimum of 3 hours as either PIC or PICUS or 6 hours as co-pilot in the 6 months preceding a revalidation check, shall undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a ATPL (Helicopter), and meet the recency requirements to act as PIC.”.

Amendment of Regulation 61.10.3 of the Regulations

27. Regulation 61.10.3 is herewith amended by the substitution for the said regulation of the following regulation:

“Theoretical knowledge examination for night rating

61.10.3 The applicant for a night rating shall have completed a written examination conducted by the Authority on the theoretical knowledge requirements referred to in paragraph (a) of regulation 61.10.1(2).”.

Amendment of Regulation 61.13.1 of the Regulations

28. Regulation 61.13.1 is herewith amended by the addition of the following paragraph: after paragraph (h):

“(i) have given not less than 200 hours of flight instruction as a Grade III Aeroplane Flight Instructor.”.

Amendment of Regulation 61.13.5 of the Regulations

29. Regulation 61.13.5 is herewith amended by the deletion in sub-regulation (1) of sub-paragraph (vii) of paragraph (k):

Amendment of Regulation 61.16.1 of the Regulations

30. It is hereby proposed to amend regulation 61.16.1 by the substitution in sub-regulation (1) for paragraph (e) of the following paragraph:

- “(e) have given not less than 200 hours of flight instruction as a Grade III Helicopter Flight Instructor and provide proof of having given instruction in every exercise of the PPL syllabus as listed in Appendix 1.1 of Document SA CATS 61;”.

Amendment of Part 63 of the Regulations

31. Regulation 63.02.5 is herewith amended by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) An applicant for the issuing of a flight engineer licence shall have demonstrated to the holder of a Grade I flight engineer instructor rating, or appropriately type rated designated flight examiner, the ability to perform as flight engineer of an aircraft, the duties and procedures as prescribed in Document SA-CATS 63, with a degree of competency appropriate to the privileges granted to the holder of a flight engineer licence.”.

Amendment of Part 66 of the Regulations

32. Part 66 of the Regulations is hereby amended by the substitution for Subpart 4 of subpart:

“SUBPART 4: APPROVED PERSON CERTIFICATE

Applicability

66.04.1 This subpart applies to the issuing of approvals certificates and ratings to natural persons, other than licensed AMEs, licensed pilots and persons authorised by the holder of an AMO approval, to carry out maintenance on South African registered non-type certificated aircraft, their engines, components and equipment.

Authority to act as approved person

66.04.2 (1) No person shall act as an approved person on any aircraft mentioned in Part 24 and referred to in regulation 66.04.3, unless such person is the holder of a valid approved person certificate with the appropriate rating issued by the Director or, if applicable, the body or institution designated for the purpose in terms of Part 149, as the case may be.

(2) The holder of an approved person certificate shall not exercise privileges other than those granted by the approval and the appropriate rating held by such holder.

Categories of aircraft

66.04.3 An approved person certificate may be issued in respect of any of the following categories of non-type certificated aircraft:

- (a) aeroplanes, including microlight aeroplanes;
- (b) helicopters;
- (c) gyroplanes and gyrogliders;
- (d) gliders, including power assisted and touring gliders;
- (e) manned captive and manned free balloons;
- (f) powered paragliders and paratrikes as well as powered hang-gliders.

Classes of certificates

66.04.4 (1) The classes of certificates for an approved person are –

- (a) APC1: inspection certificate, which does not include inspections on repair, or modification work;
- (b) APC2: repair and maintenance certificate, which includes inspections on repair, maintenance or modification work which has been done as well as carrying out such work;
- (c) APC3: restricted inspection certificate for airframes and/or engines, issued by type, excluding inspections on modifications and repairs.

(2) The certificates referred to in sub-regulation (1) may be issued in one or more of the following groups:

- (a) Airframes are classified into the following groups:
 - (i) Group 1 – aeroplanes of wooden construction, with a MCM of 5 700 kilograms or less;
 - (ii) Group 2 – aeroplanes constructed of composites, with a MCM of 5 700 kilograms or less;
 - (iii) Group 3 – aeroplanes of fabric-covered tubular-metal construction, with a MCM of 5 700 kilograms or less;
 - (iv) Group 4 – unpressurised aeroplanes of all-metal construction, with a MCM of 5 700 kilograms or less;
 - (v) Group 5 – pressurised aeroplanes of all-metal construction, with a MCM of 5 700 kilograms or less;

- (vi) Group 6 – unpressurised aeroplanes of all-metal construction, with a MCM exceeding 5 700 kilograms;
 - (vii) Group 7 – rotorcraft powered by reciprocating engines;
 - (viii) Group 8 – pressurised aeroplanes of all-metal construction, with a MCM exceeding 5 700 kilograms;
 - (ix) Group 9 – rotorcraft powered by turbine jet engines, with a MCM of 3175 kilograms or less;
 - (x) Group 10 – rotorcraft powered by turbine jet engines, with a MCM exceeding 3175 kilograms;
 - (xi) Group 11 – aeroplanes constructed of composites, with a MCM exceeding 5 700 kilograms;
 - (xii) Group 12 – balloons;
 - (xiii) Group 13 – trikes; and
 - (xiv) Group 14 – all other aircraft.
- (b) Engines are classified into the following groups:
- (i) Group 01 – all horizontally opposed normally-aspirated piston engines;
 - (ii) Group 02 – all horizontally opposed turbo-normalised, turbo-charged and supercharged piston engines;
 - (iii) Group 03 – all in-line piston engines;
 - (iv) Group 04 – all radial engines;
 - (v) Group 05 – turbine jet engines; and
 - (vi) Group 06 – all other engines.

(3) The categories of ratings for an APC2: repair and maintenance certificate for approved persons are –

- (a) Category A rating, for all types of –
 - (i) aeroplanes registered in the Republic, either singly or in the groups referred to in sub-regulation (2); or

- (ii) rotorcraft registered in the Republic, either singly or in the groups referred to in sub-regulation (2);
- (b) Category C rating, for all types of engines installed in –
 - (i) aeroplanes registered in the Republic, either singly or in the groups referred to in sub-regulation (2); or
 - (ii) rotorcraft registered in the Republic, either singly or in the groups referred to in sub-regulation (2); and
- (c) Category W rating, for any –
 - (i) avionic equipment;
 - (ii) electrical equipment;
 - (iii) instrument equipment; or
 - (iv) combination of such equipment,installed in aircraft registered in the Republic.

(2) The categories of ratings for an APC1: inspection certificate for approved persons are –

- (a) Category B rating, for all types of –
 - (i) aeroplanes registered in the Republic, either singly or in the groups referred to in sub-regulation (2); or
 - (ii) rotorcraft registered in the Republic, either singly or in the groups referred to in sub-regulation (2);
- (b) Category D rating, for all types of engines installed in –
 - (i) aeroplanes registered in the Republic, either singly or in the groups referred to in sub-regulation (2); or
 - (ii) rotorcraft registered in the Republic, either singly or in the groups referred to in sub-regulation (2); and
- (c) Category X rating, for –
 - (i) the installation of compasses;
 - (ii) the installation of engine ignition equipment;
 - (iii) the installation of variable-pitch propellers;

- (iv) the installation of instruments, including or excluding electrically operated instruments;
- (v) the installation of electrical equipment;
- (vi) the installation of automatic pilots; or
- (vii) the installation of avionic equipment, including or excluding equipment employing pulse techniques.

Competency

66.04.5 The holder of an approved person certificate shall not exercise the privileges granted by the approval and rating unless such holder maintains competency by complying with the appropriate requirements prescribed in this Part and in the approved manual of procedure of the body or institution designated in terms of Part 149.

Consumption of alcohol and drugs

66.04.6 No approved person shall –

- (a) carry out any maintenance on an aircraft, its components or equipment while the concentration of alcohol in any specimen of blood taken from any part of his or her body is more than 0.02 gram per 100 millilitres, or when under the influence of any drug having a narcotic effect; or
- (b) consume alcohol or take any drug having a narcotic effect whilst carrying out maintenance on an aircraft, its components or equipment.

Language

66.04.7 An approved person shall have sufficient ability in reading, speaking and understanding the English language to enable him or her to adequately carry out his or her responsibilities as an approved person.

Requirements for approval

66.04.8 An applicant for the issuing of an approved person certificate shall –

- (a) not be less than 18 years of age;
- (b) have successfully passed the theoretical knowledge examination referred to in regulation 66.04.9; and
- (c) have acquired the experience referred to in regulation 66.04.10.

Theoretical knowledge examination

66.04.9 (1) An applicant for the issuing of an approved person certificate shall have successfully passed the written examination prescribed in Document SA-CATS 66.

(2) A candidate who fails the written examinations referred to in sub-regulation (1) may, within 30 days from the date of notification of the examination results, apply in writing for a remark.

(3) The application shall be made on the appropriate form and be accompanied by the appropriate fee prescribed in Part 187 of these Regulations.

(4) If the remark is successful, the fee will be refunded.

(5) An applicant, who fails the written examinations referred to in sub-regulation (1), may apply for re-testing after a period of not less than 3 months: Provided that an applicant may only be re-tested twice.

Experience

66.04.10 An applicant for the issuing of an approved person certificate shall either –

- (a) be the primary builder of, and have obtained an authority to fly for his or her own aircraft; or
- (b) have obtained proven aircraft maintenance experience, compatible with the particular rating; or
- (c) in the case of the APC3 restricted inspection rating, complete the practical training as per SA-CATS 66.

Application for approval or amendment

66.04.11 An application for the issuing of an approved person certificate or for an amendment thereof, shall –

- (a) be made on the appropriate form as prescribed by the Director; and
- (b) be accompanied by –
 - (i) original or certified proof of –
 - (aa) the identity of the applicant;
 - (bb) the age of the applicant;
 - (cc) the maintenance experience of the applicant; and

- (dd) if applicable: the build number, issued in terms of regulation 24.01.2(4) (c), and the authority to fly, issued in terms of Subpart 2 of Part 24;
- (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.04.9;
- (iii) two recent passport-size photographs of the applicant; and
- (iv) the appropriate fee as prescribed in Part 187.

Issuing of approval certificate

66.04.12 (1) The Director or, if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be, shall issue an approved person certificate with the appropriate rating if the applicant complies with the requirements referred to in regulation 66.04.11.

(2) The certificate shall be issued on the appropriate prescribed form.

(3) The certificate shall specify the categories of aircraft, classes of certificates and ratings, and where applicable the name of non-type certificated aircraft, its components or equipment in respect of which the holder of such certificate is entitled to exercise the privileges thereof.

(4) Upon issuing of an approved person certificate, the applicant shall forthwith affix his or her signature in ink in the space on the certificate provided for such purpose.

Period of validity

66.04.13 (1) An approved person certificate issued in accordance with this Subpart shall be valid for a period of 24 months, calculated from the date on which the approval is issued or from the date of renewal of the approval if such approval is renewed in accordance with the provisions of regulation 66.04.14.

(2) Any amendment of an approval person certificate shall be valid for the period for which the certificate is valid.

Renewal of approved person certificate

66.04.14 (1) To renew an approved person certificate, the holder thereof shall –

- (a) within the 24 months preceding the date of expiry of the certificate, have carried out an inspection or maintenance on at least two aircraft within his or her class (es) and rating(s);

- (b) within 30 days immediately preceding the date of expiry of such certificate, submit an application for renewal accompanied by –
 - (i) a certified true copy of the certificate held by the applicant;
 - (ii) original or certified proof of compliance with the provisions of sub-regulation (1) (a).
- (2) The application for the renewal of the certificate shall be made on the prescribed form.
- (3) The Director or the organisation designated for the purpose in terms of Part 149, as the case may be, shall renew the certificate if the applicant complies with the requirements referred to in sub-regulation (1).
- (4) The certificate shall be renewed on the appropriate prescribed form.

Reissue

- 66.04.15** (1) (a) The holder of an approved person certificate that has expired due to the lapse of the period referred to in regulation 66.04.13 may apply to the Director or, if applicable, the organisation approved for the purpose in terms of Part 149, as the case may be, for the re-issue of the expired certificate.
- (b) To qualify for the reissuing of the certificate the person needs to comply anew with the requirements prescribed in regulation 66.04.8.
- (2) Upon application for the re-issue of the expired certificate, the Director or, if applicable, the organisation approved for the purpose in terms of Part 149, as the case may be, shall reissue such certificate if the applicant complies with the requirements prescribed in sub-regulation (1).
- (3) The provisions of regulations 66.04.11 and 66.04.12 applies with the necessary changes to an application referred to in sub-regulation (1).

Privileges and limitations

- 66.04.17** (1) Subject to the provisions of regulations 66.04.5 and 66.04.6, the holder of an approved person certificate shall be entitled –
- (a) if he or she is the holder of the inspection certificate –
 - (i) to exercise in respect of a non-type certificated aircraft, the privileges of an authorised officer, inspector or authorised person provided for in regulations 24.01.8 and 24.01.9.

- (ii) to carry out inspections on a non-type certificated aircraft in accordance with the requirements prescribed in Part 24 as may be called for from time to time by the constructor or owner of the non-type certificated aircraft;
 - (iii) certify in the aircraft logbook(s) when the inspection, repair or maintenance work took place and the outcome of such inspection;
 - (iv) certify, in accordance with the regulations in Part 24 of these Regulations, the release to service of the non-type certificated aircraft;
- (b) if he or she is the holder of the repair and maintenance certificate –
 - (i) to carry out, in accordance with the requirements prescribed in Part 24, such maintenance, repairs or modifications, including the inspections referred to in subparagraph (a)(ii), on a non-type certificated aircraft, its components and equipment as may be called for from time to time by the constructor or owner of the non-type certificated aircraft;
 - (ii) certify in the aircraft logbook(s) –
 - (aa) all maintenance or repairs carried out on the aircraft; and
 - (bb) all modifications incorporated on the aircraft in accordance with regulation 44.01.10; and
 - (iii) certify, in accordance with the regulations in Part 24, the release to service of the non-type certificated aircraft;
- (c) if he or she is the holder of an APC3 restricted inspection approved person certificate –
 - (i) to carry out annual inspections on a non-type certificated aircraft and/or engine for which he/she holds the type rating in accordance with the requirements prescribed in Part 24, for the purpose of renewing the annual authority to fly;
 - (ii) to certify in the aircraft logbook(s) when the inspection took place and the outcome of such inspection;
 - (iii) to certify, in accordance with the regulations in Part 24 the release to service of the non-type certificated aircraft and/or engine for which he/she holds the type rating;
 - (iv) to complete form RA24.01.

(2) The holder of an approved person certificate is not authorised to grant permission to the constructor to fly his or her aircraft for the purpose of carrying out proving or test flights unless he or she is the holder of the appropriate flight test rating.

(3) Any inspection carried out on a non-type certificated aircraft in terms of regulation 24.01.8 shall be of a conditional nature in that the approved person carrying out the inspection shall not be required to guarantee the airworthiness of the aircraft.

(4) Whenever an approved person issues a release to service for a non-type certificated aircraft he or she thereby certifies that he or she is satisfied that the aircraft and all its equipment are in every way serviceable for flight and that all maintenance has been carried out in accordance with the regulations and with the aircraft's approved maintenance schedule.

(5) The holder of an approved person certificate who wishes to carry out welding on a non-type certificated aircraft shall be the holder of a welding certificate for the type of welding to be carried out. The certificate does not necessarily have to be for aircraft welding.

Register of approved persons

66.04.18 (1) The Director or, if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be, shall maintain a register of all approved person certificates issued, renewed or reissued in terms of this Part.

(2) The register shall contain the following particulars –

- (a) the full name of the holder of the certificate;
- (b) the postal address of the holder of the certificate;
- (c) the date on which the certificate was issued, renewed or reissued;
- (d) particulars of the ratings held by the certificate holder; and
- (e) the nationality of the holder of the certificate.

(3) The particulars referred to in sub-regulation (2) shall be recorded in the register within seven days from the date on which the certificate is issued, renewed or reissued.

(4) The register shall be kept at a safe place at the office of the Director or, if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be.

(5) The register referred to in sub-regulation (1) shall be made available to any person upon request.

Responsibilities of certificate holder

66.04.19 The holder of an approved person certificate shall maintain a logbook up to date in which he or she shall record details of all inspections and maintenance carried out. The format of the logbook and the manner in which it will be kept shall be as prescribed in Part 24.

Suspension and cancellation of certificate and appeal

66.04.20 The procedure for the suspensions and cancellation of approved person certificate and appeal shall be prescribed in regulations 185.00.4, 185.00.5 and 185.00.7.”.

Amendment of Part 67 of the Regulations

33. Regulation 67.01.1 of the Regulations is herewith amended by –

- (a) the substitution for the expression “medical officers” of the expression “medical assessors in sub-regulations (2) and (3) of regulation 67.00.1;
- (b))the substitution for the expression “medical officer” of the expression “medical assessor in sub-regulations (5) and (8) of regulation 67.00.13; and
- (c))the substitution for the expression “medical officer” of the expression “medical assessor in sub-regulations (1)) (2) and (4) of regulation 67.00.14.

Amendment of Part 91 of the Regulations

34. Regulation 91.04.3 of the Regulations is herewith amended by the substitution for the introductory sentence to sub-regulation (1) of the following introductory sentence to the said sub-regulation:

“ **91.04.3(1)**No owner or operator of an aircraft shall operate the such aircraft by night,unless,in addition to the equipment specified in regulation 91.04.4or 91.04.5(1), whichever is applicable, the aircraft is equipped with-“;”

Amendment of Part 91 of the Regulations

35. Regulation 91.07.4 of the Regulations is herewith amended by-

- (a) the substitution of sub-regulation (1) of the following sub-regulation:

“(1) No pilot -in-command of a helicopter shall land at or take-off from any place unless the place is so situated to permit the helicopter, in the event of an engine failure arising during such landing or take-off, continue to operate in a manner that allows safe operation without undue hazard to persons or property on the surface.”.

and

- (b) the substitution for sub-regulations (2), (3) and (4) of the following sub-regulations:

“(2) The pilot -in-command of a helicopter shall ensure that any place used for landing, take-off or hover-

(a) shall have-

(i) physical characteristics; and

(ii) obstacle limitation surfaces.

commensurate with the ambient light conditions and the characteristics of the helicopter being operated;

(b) allows the helicopter to operate clear of obstacles and without causing nuisance to third parties through its rotor wash;

(c) has a surface area suitable for touch-down and lift-off; and

(d) meets the requirements of regulation 91.08.2.

(3) No pilot of a helicopter shall land on, or take-off from, any elevated helicopter landing place, unless such place meets the design requirements prescribed in {part 139 of the these Regulations, for the operation of heliports and unless, such elevated helicopter landing place is situated within a built-up area, the place has been licensed or approved in terms of Part 139.

(4) No pilot-in-command of a helicopter shall land or take-off from any place within a built-up area unless he or she has assured him-or herself that local by-laws do not prohibit such take-off or landing without specific permission by the local authority, provided that this restriction shall not apply.”.

Short title and commencement

36. These Regulations are called the First Amendment of the Civil Aviation Regulations, 2011, and shall come into operation on the date of publication in the Gazette.